

FARMINGTON CITY PLANNING COMMISSION

Thursday, May 13, 2004

PLANNING COMMISSION STUDY SESSION

Present: Chairman Cory Ritz, Commission Members Keith Klundt, Cindy Roybal, and Jordan White, City Planner David Petersen, and Deputy City Recorder Jeane Chipman. Commission Members Bart Hill, John Montgomery, and Jim Talbot were excused.

Chairman Ritz began the study session at 5:25 P.M. The following items were discussed:

- Mr. Petersen suggested that a motion be made to cover Agenda Item #7 in the beginning of the meeting. Also, that several other agenda items be combined as follows: #5 and #11 together, #6 and #12 together, #9 and #15 together, and #13 and #16 together.
- Agenda Item #2 had been marked as a public hearing in the staff report, not on the agenda. It would not be a public hearing. Mr. Petersen stated that all conditions for the application had been met with the exception of the new property owners joining the HOA of the Creekside Estates Subdivision. Mr. Petersen had not received word from the City Attorney regarding whether or not the Planning Commission could require a property owner to join an HOA as condition of approval.
- The Planning Commission reviewed in detail proposed changes in Chapter 11 of the General Plan Amendment. Rulon Dutson (consultant for the City) was present and went over each suggested change in both the text and on the map. He stated it would be important to allow the public due process. All comments received had been considered. He also stated that it would be helpful for the Commission to remember that the map represented a general sense of land use and was not intended to give specific boundaries for uses. The Planning Commission, and all City entities, should give sound rationale for all changes.
- A discussion ensued regarding the land use of parcels directly to the north of Lagoon. That property had been suggested as CMU. Four issues were stated: 1) The Planning Commission and other City officials were aware that there would be information forthcoming regarding the alignment of a road through the area, but such information was not yet available. 2) It was the preference of City officials and most interested citizens that the CMU zone be applied to both sides of the road in question. 3) Language for the CMU zone has not yet been written. And 4) preservation of the residential nature of Main Street was a major concern;

therefore, the CMU should probably be pulled back further from the Main Street corridor.

- Ms. Roybal led a discussion regarding General Plan designation for property directly west of Cherry Hill. She reviewed the history of why a particular property had been rezoned to commercial. Access to the parcel was inadequate and high commercial use of that parcel would impact adjacent residential property in an extremely negative way. Ms. Roybal suggested the parcel could be used for commercial endeavors, but the use needed to be very limited, low impact, and should be carefully screened by the City.
- There was brief discussion of Agenda Item #9, the Kent Buie proposal for high density dwelling units on property in north central Farmington. It was unclear whether or not legal qualifications had been met.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Cory Ritz, Commission Members Bart Hill, Keith Klundt, John Montgomery, Cindy Roybal, and Jordan White, City Planner David Petersen, and Deputy City Recorder Jeane Chipman. Commission Member Jim Talbot was excused.

Chairman Ritz called the meeting to order at 7:00 P.M. **Cindy Roybal** offered the invocation.

APPROVAL OF MINUTES

Cindy Roybal moved that the minutes of the April 22, 2004, Planning Commission Meeting be approved. **Jordan White** seconded the motion. The Commission voted unanimously in favor.

Jordan White moved that the minutes of the April 29, 2004, Planning Commission Meeting be approved. **John Montgomery** seconded the motion. The Commission voted unanimously in favor. Commission Members Bart Hill, Keith Klundt, and Cindy Roybal abstained due to their absence during the April 29th meeting.

AMENDMENT OF AGENDA**Motion**

Keith Klundt moved that the Planning Commission consider Agenda Item #7 prior to Agenda Item #2. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: FARMINGTON CITY REQUEST FOR CONSIDERATION OF A RECOMMENDATION TO AMEND CHAPTER 11 OF THE GENERAL PLAN AND AMENDING THE FUTURE LAND USE PLAN RELATED THERETO BY REDESIGNATING SCORES OF ACRES TO OTHER VARIOUS DESIGNATIONS ALONG THE U.S.89 AND I-15 CORRIDORS FROM THE CHERRY HILL INTERCHANGE AND THE SHEPARD LANE OVERPASS TO THE BURKE LANE INTERCHANGE AND THE GENERAL VICINITY OF THE DAVIS COUNTY JUSTIC COMPLEX 9MP-3-03) (Agenda Item #7)

Rulon Dutson (City consultant) introduced the agenda item. He stated there had been a great deal of work accomplished by the steering committee consisting of citizens, property owners, and City staff, a study session conducted by the Planning Commission prior to the current meeting, and a number of public hearings. The Commission would be considering the changes as proposed by the public and City staff. Those changes were reviewed in detail and included, but were not limited to, the addition of the following:

- Language would be added indicating that Farmington City may cooperate and coordinate with the State of Utah, Davis County, and neighboring communities to identify and pursue mutually beneficial land use planning and economic/commercial development programs and activities.
- Language would be added to reflect that all developments should be consistent with the City's Master Transportation Plan and provide a specific transportation management plan that supports and demonstrates that the level of service generated by the development is at an acceptable level to the City and its related consultants.
- Language regarding all development should be consistent with the City's Master Transportation Plan. As deemed necessary by the City, developers may be required to provide a project-specific transportation and access management plan.
- Information shall be added applying to Special Area Management Planning (SAMP) such as: The City will work with the U.S. Army Corp of Engineers and affected property owners in the development area to develop a Special Area

Management Plan (SAMP). These plans will identify appropriate areas for development and provide adequate development guidelines and standards, particularly addressing the wetland areas within the project area.

- Chapter 11 needs to consider area-specific transportation-oriented land use and development approaches and patterns as recommended by UTA and other transportation-oriented development experts.

Mr. Petersen reviewed map changes being considered for the General Plan uses. The changes included:

- It had been recommended that the parcel of land south of Clark Lane and west of the Fairgrounds be eliminated from the MU zone designation.
- The MU area north of the Justice Complex should be designated TMU (transportation mixed use).
- After consideration by the Planning Commission during their study session, it was felt that the area north of the current “purple” line not be designated TMU all the way north to the City boundary. Reasons given for this decision included conclusions reached by the Tom Wooten study indicating the City may not need that much mixed use commercial property. Also, much of the land in consideration contained wetland property and should be treated as conservation acreage.
- In order to protect the Main Street corridor as much as possible it had been deemed wise to cut back the CMU land use designation close to Main Street. Property near existing office park type uses could be designated BP.
- The Planning Commission felt the CMU designation north of Lagoon was too large. Therefore, it was suggested it be cut back from east to west to allow a greater residential buffer zone and transition area to help protect residential properties to the east. Reasons for the change included: CMU language had not been drafted, commercial uses should straddle the road, there was currently not enough information about the potential placement of the road, and the character of Main Street should be maintained.
- The area directly west of Cherry Hill is currently designated GC (General Commercial). The recommendation had been made to change the designation to NMU and to also change the adjacent MDR to LDR thus mirroring nearby

property uses on the south east side of the interchange and to protect the large lot residential property adjacent to the land to the west.

- Text contained in the Master Plan for the Park Lane area would exclude residential uses due to the recent preferences shown by the City Council. Mr. Petersen reminded citizens that the text supercedes the map.

Public Hearing

Chairman Ritz opened the meeting to a public hearing and invited all interested parties to address the Planning Commission.

Allan Hall (1875 North 1075 West) referred to property directly west of Cherry Hill. The property was currently medium density residential. In previous actions by City officials the land use designation had been amended from low density to medium density residential. The change had been determined to be in the best interest of Farmington City at the time. It was done to preserve property value and promote benefit for the City in general. General commercial opportunities for that corner should be allowed. Construction of the frontage road in recent months had changed plans for the property. Mr. Hall had purchased the remnant property from UDOT and had paid a high premium because UDOT insisted they get compensation for the potential use of the land. Facts surrounding the land have not changed. Commercial use of that property would create a good buffer zone between residential and commercial uses surrounding it. The current designation preserves the property value. Mr. Hall stated he was not requesting any specific use for the property at this time. He wanted flexibility for the value of the land as he purchased it.

Merry Dean (resident in the Homes at Shepard Creek and President of the HOA) raised concerns regarding commercial mixed use on the west side of U.S. 89. Ms. Dean stated she had a concern about how increased density would affect transportation and the negative impact on residential properties. Current residents are already experiencing difficulties because of an increase in traffic. Most of those living in the area do not want high density or commercial kinds of uses. There needs to be a buffer zone to protect current residents from high density.

David Dixon (1047 North 100 West) liked the idea of CMU being scaled back from the Main Street corridor. He expressed concern regarding the NMU designation at the north end of the City. He felt that if it was the intent of the City to preserve residential areas the NMU would not be sufficient to do the job. NMU would allow high density without guaranteed protection to preserve the area. The area in the north of the City was already impacted by the interchange traffic. Likewise in the Haws area, the TMU within a ½ mile of the commuter stop should remain as such; areas outside of it should be residential. Traffic studies need to be done immediately because the interchange was already built. The City needed to know what roads could handle and

at what times during the day. Farmington City needed to make a decision regarding what level of use the roads should have. Traffic studies could provide a key component for those decisions. When the possibilities are known, then property use can be justified. Mr. Dixon was concerned about the composition of the steering committee because it was made up of mostly property owners. The City should have the over-riding decision power.

Chadwich Greenhalgh (200 West State Street) agreed that there needed to be a traffic study completed for all of the areas being considered. Development on the west side of the City needed to be scaled back, especially in the area of the Justice Center. Neighbors living on west State Street were very concerned about the traffic on that street. It is very dangerous especially because of the school children in the area. If the density on the west side of I-15 is allowed to go too high, the safety of citizens on west State would be jeopardized. The school zone and the City's only historic district needed to be protected.

Matt Hess (947 North Main Street) stated he had been insulted by comments regarding the composition of the steering committee. To his knowledge, it was the first time property owners had been invited to participate in such an effort. He expressed concern about recommendation to do with SAMPS. The Army Corp of Engineers have their own jurisdiction. Mr. Hess stated he felt that SAMPS were a way for property owners to dump wetlands on their neighbors. It would not be a good thing. He was also concerned about change of the amount of property being considered for CMU designation north of Lagoon. Wetlands in the area would severely limit real development. Mr. Hess stated that the Park Lane area seemed to be the only area being allow commercial development. Allowing that to happen would ignore the work of the steering committee. He was also concerned with the historic community's reaction to high density development. Low density does not belong too far west and there needed to be room left for transition uses like multi-family housing.

David Adams (Kaysville resident) agreed with the comments made by Mr. Hess. Mr. Adams also felt the City needed to give public notice about what was being considered by the Planning Commission and the City Council, especially regarding the development of commercial property. It would be wise to give obvious and conspicuous notice about land use which would impact the decisions of property owners.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing and requested consideration by the Planning Commission.

Keith Klundt commented that the map does not represent a hard and fast boundary for lands uses. The map was general in nature and indicated general uses in a vicinity. He also referred to the suggested decrease of property under CMU designation north of Lagoon. He felt

that would be a good thing and said that the BP designation should be added to reflect office use already there.

Jordan White asked when the traffic study being conducted would be finished.

Mr. Petersen stated it would likely be completed in about a month and a half. It was true that transportation engineers wait to get the General Plan information before they make their studies.

John Montgomery commented that the work being considered by the Planning Commission during the evening's agenda was not zone changes. The use of land does not actually change until a zone change application is received and considered by City officials. There were no zoning changes being done at this point.

Cindy Roybal stated that since it is not known where the road would be aligned going north from Lagoon it was not known exactly where to place the CMU for that parcel of ground. It would be good to have CMU on both sides of the future road. Also, there was a need to preserve the Main Street corridor and the residential feel of that area. That would be one reason to move the CMU designation away further from Main Street. By decreasing the CMU, it would help create a buffer for the residential uses. Currently, the City does not have the language for the CMU zone.

Chairman Ritz stated that he felt the TMU designation was appropriate for the area within the ½ radius of the proposed rail stop in west Farmington, but that he also felt the TMU designation should remain on surrounding property because of the major road connection that would be traversing the land. Mr. Ritz discussed the CMU designation for property north of Lagoon. He felt that perhaps the language of the text should include that the CMU designation should be on both sides of the road through the area north of Lagoon. Language could be included such as: it is anticipated that the CMU zone will occur on both sides of the road, depending on the alignment of the road.

Keith Klundt felt language for the CMU zone was not completed yet and since the alignment of the road was not known, current language needed to remain flexible.

Ms. Roybal felt it was difficult to make decisions regarding uses when traffic studies were not complete. The Planning Commission needed to allow commercial and residential flexibility while keeping control for the benefit of the entire City.

John Montgomery stated he felt the CMU should be allowed on both sides of the road north of Farmington recognizing the City will approve the alignment of the road.

Mr. Dutson stated the transportation engineer had been involved with the steering committee. The engineers were asked about the uses as had been generally indicated. Their response was there were no problems as they understood the general uses being proposed.

Mr. Ritz felt language should be added to the text regarding the CMU zone straddling the road depending on the alignment of the road.

Mr. Petersen discussed the commercial property located directly west of Cherry Hill. He felt the designation should be NMU and that the rest of the surrounding area should be low density residential to preserve the property in a similar manner as the property on the east side of the U.S. 89.

Mr. Roybal said the property along 1075 had no good access because of the slope and because the street is a State road. All of the other lots on 1875 North street are large residential. The parcel should match the other lots. It may be appropriate to zone that the Thornblad parcel as commercial, but it should be NMU and allowed to develop into office space or some other light commercial use.

Motion

Jordan White moved that the Planning Commission recommend to the City Council that they approve the amendment to Chapter 11 of the General Plan, amending the Future Land Use Plan related thereto by re-designating scores of acres to other various designations along the U.S. 89 and I-15 corridors from the Cherry Hill interchange and the Shepard Lane overpass to the Burke Lane interchange and the general vicinity of the Davis County Justice Complex as presented in draft B of the document as discussed in the meeting along with the General Plan Land Use Map. Text shall stimulate that the CMU designation north of the Lagoon Drive extension shall exist on both sides (east and west) of the future road depending on the alignment of the road and that the CMU designation for that parcel shall be decreased and moved away from the Main Street corridor. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

Findings

1. The amendment had been studied, considered, and edited by residents and City officials for about 18 months. The intent of those involved was to produce a document which would protect and enhance the best interests of the citizens of Farmington.
2. The motion was consistent with the work done by City officials, property owners, interested residents, interested developers, and City consultants

PUBLIC HEARING: HERALD AND BARBARA RICE REQUEST FOR APPROVAL TO DEVELOP A TWO LOT SUBDIVISION (LOT SPLIT) BY METES AND BOUNDS CONSISTING OF 3.71 ACRES LOCATED AT THE SOUTH END OF DAVIS CREEK DRIVE (50 EAST) AT APPROXIMATELY 1025 SOUTH IN AN A ZONE (S-13-03)

HERALD AND BARBARA RICE REQUEST FOR A RECOMMENDATION TO THE CITY COUNCIL TO VACATE THE SOUTHERN END OF DAVIS CREEK DRIVE (50 EAST) IN CONJUNCTION WITH APPLICATION #S-13-03 FOR A LOT SPLIT (STR-4-03) (Agenda Item #2)

Background Information

The Farmington City Planning Commission previously voted on February 26, 2004, to table this agenda item to allow time to resolve the issues set forth in the enclosed march 8, 2004, letter addressed to the applicant. Except for the suggestion to join the Creekside Home Owners' Association (HOA), all the issues have been resolved or have been resolved as much as possible for this stage of the development review process.

END OF PACKET MATERIAL.

Mr. Petersen introduced the agenda item. The City had been working on the General Plan amendment just passed for about the last year and a half. It reflected a great deal of hard, time-consuming work.

Mr. Petersen presented the site plan map for the Herald Rice application and stated that all issues had been resolved except the issue regarding the potential property owners joining the Creekside Subdivision HOA. The Planning Commission had also questioned the creation of the flag lots. Todd and Wendy Rice (potential buyers of the eastern lot) had respectfully declined the offer to become members of the HOA. They felt the size of the newly created lots and distance from the Creekside Subdivision would allow for different uses of the property. They wanted to get along with property owners within the Creekside Subdivision, but they wanted freedom to do with their land as they wished.

Chairman Ritz invited the applicant to address the Planning Commission. The applicant declined to do so.

Mr. Petersen stated he had contacted the HOA and had been unable to reach them to get their side of the issue. In response to a question, he stated that the application had been written to create two flag lots. Flag lot approval is very rare. The City Council had repeatedly shown no willingness to approve flag lots except in rare occasions with special conditions. There had been a handful approved if there were no privacy or safety issues involved. In response to another

question, Mr. Petersen stated that even if one lot were to be developed on the property in question, the access road to the property would have to be vacated because City ordinances do not allow residential development at the end of a road. There is a concern by the HOA about the quality of the homes that would be accessed through their subdivision.

Jordan White stated he did not feel it seemed equitable for the new property owners to receive the benefit of the HOA without contributing to the expense.

Mr. Petersen stated the HOA did not maintain the roads, which are City right-of-way. However, to access the new lots, one would have to drive past the amenities maintained by the HOA.

Ms. Roybal felt that if the new property owners benefitted by the access and amenities, they needed to pay their fair share.

Chairman Ritz invited the president of the Creekside HOA to address the Planning Commission.

Jim Barnett (938 Creekside Court, Creekside Estates Subdivision HOA president) expressed the concerns of the HOA regarding property values and the fair remuneration for amenities provided. He reported there were 28 homes in the Creekside Subdivision which had paid for earth movement, flood zone relocation, landscaping, and maintenance of entrances, fences, and parkstrips. The flood zone relocation made it possible for the new lots to become buildable. In Mr. Barnett's meetings with members of the HOA, the home owners were asked about the issues. They expressed their unanimous opinion that they would like the property owners to join the HOA. They were also concerned about the flag lots, uses of the property in the future, and whether or not the new homes would be compatible with the subdivision and their restrictions. There were some privacy issues because the side yard of one of the new homes would be in the back yard of an existing home.

Jordan White was very hesitant about approving flag lots when the City Council had been clear in their preferences regarding flag lot creation.

Keith Klundt felt flag lots should be considered on a case by case basis because there may be situations that would justify their creation.

Cindy Roybal said she was very hesitant about approving the application because of resistance on the part of the applicant to joining the HOA.

Chairman Ritz stated there was also a lack of willingness to go along with recommendations made by the Planning Commission.

Todd Rice (resident of West Bountiful, potential owner of a new lot) stated he had met with the Creekside Subdivision HOA. He was not disagreeing with members of the home owners's association and had even offered to make a yearly donation to their maintenance fees. Mr. Rice wanted to maintain his right to keep large animals and related trailers on his property. He had requested an amendment to the HOA's CC&Rs to allow the animals and said he was favorable to having the amendment run with his ownership. If he ever sold the land, the amendment would be rescinded. He would like to keep the possibility of horse ownership open. He did not want to offend the neighbors; however, he didn't want to be bound by unfair covenants. He stated the HOA could also review his house plans..

Chairman Ritz asked questions of the HOA president. He wanted to know if the members would be willing to amend the CC&Rs to allow for the large animals. Current zoning for the property would allow large animals on the large lots.

Mr. Barnett said there had been two amendments proposed. One was to allow extra time for the new lot owners to complete their landscaping. HOA members were amenable to that amendment. The other amendment would have allowed the large animals. The HOA organization was not willing to allow the large animals.

Mr. Petersen said if the property was not subdivided into two lots, City ordinance would provide for one home to be constructed on the property, providing the stub street was extended further south. The lot was currently large enough to allow large animals with no other permission required.

Chairman Ritz asked Mr. Rice if alternate site plan designs had been considered that would eliminate the flag lots.

Mr. Rice stated he wanted to stay with the flag lot design.

Mr. Petersen had asked the City Attorney if one subdivision could be required to take on the CC&Rs of another subdivision. The City Attorney has not yet responded.

Jordan White inquired regarding flag lot restrictions and whether or not the current design for the new lots would even comply. Or, if indeed the Planning Commission did recommend approve for the flag lots, they would be outside reasonable justification.

Chairman Ritz said he felt there were other design options for the property which would eliminate flag lot creation.

Cindy Roybal stated she had not seen willingness on the part of the applicant to resolve or compromise with HOA

Motion

John Montgomery moved that the Planning Commission recommend that the City Council they deny the proposed lot split by metes and bounds located at the south end of Davis Creek Drive (50 East) at approximately 1025 South. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

Findings

1. Alternative designs options existed which had not been pursued which would not require the creation of flag lots .
2. Several unresolved issues still existed between the applicant and the Creekside Estates Subdivision HOA.

**PUBLIC HEARING: AMERICA WEST DEVELOPMENT REQUEST FOR A
RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR THE
SILVERWOOD ESTATES SUBDIVISION CONTAINING 21 LOTS ON 7.359 ACRES
LOCATED AT APPROXIMATELY 1800 WEST 1400 NORTH IN AN LR ZONE (S-5-04)
(Agenda Item #3)**

Background Information

The subject property was annexed into Farmington City in the mid 1990's. Over the years as different developers have looked at the property, nearby property owners have expressed concern that 500 East Street in Kaysville will become a busy thoroughfare negatively impacting surrounding property if allowed to connect to the Frontage Road. And the developer has done a good job with the yield plan and the schematic plan to reflect these concerns. However, review comments from various public agencies strongly recommend that 5600 East continue to the Frontage Road. The schematic plan was distributed to the City Engineer, Public Works Department, Fire Department, FAPID (Farmington Area Pressurized Irrigation District), CDSC, and Kaysville City.

A major sewer trunk line traverses the property. Although it is contemplated that the line may be relocated to future right-of-ways, such relocations should be minimized where possible. The City Engineer and CDSC are concerned that the proposed subdivision layout creates too many unnecessary turns for the trunk line.

It is anticipated that the adjacent property east of the subject property will develop soon. Section 12-7-040(4) of the Subdivision Ordinance states:

Street patterns in the subdivision shall be in conformity with a master street plan for the most advantageous development of adjoining areas and the entire neighborhood or district. In the event a master street plan does not exist, the subdivider shall prepare such a plan for review and approval by the Planning Commission and City council prior to consideration of a subdivision application.

In light of pending adjacent development and the location of the sewer trunk line, is the proposed schematic plan the “most advantageous development of adjoining areas and the entire neighborhood or district”?

END OF PACKET MATERIAL.

Mr. Petersen reviewed the agenda item for the Planning Commission members. The City reviewing departments (Public Works, FAPID, etc.) had concerns about the access to the subdivision through Kaysville. Doing so would be required because surrounding properties had not yet been developed. The neighborhood, on the other hand, was concerned that they would become the collector road for the entire area if a connection to Farmington roads was constructed. The City Engineer felt there should be a global plan for the entire area and requested that the Planning Commission table the application until there was time to consider all design issues.

Public Hearing

Chairman Ritz opened the meeting to a public hearing. He invited the applicant to address the Planning Commission.

Ron Martinez (developer) stated he had been working on designs for the property for some time. He had also attempted to purchase the adjoining property but had not been able to do so. He reviewed sewer line issues. He felt the sewer officials were more concerned with the design of the sewer lines than with the roads. He felt there could be resolutions to those issues. The road issue is problematic. However, he felt those concerns could also be overcome. Mr. Martinez was not opposed to connecting directly with the Farmington frontage road to allow easier access by snow removal equipment. He would like to include speed reducing techniques to maintain the ambiance of the design. He also wanted to cooperate with the Kaysville property owners because they are close neighbors.

Jim Lyons (702 South 350 East) had a concern about how 500 East would fit into the entire development of the area.

Rick Wyss (1442 North 1670 West) requested that the application be tabled until a master plan could be considered for the entire area. A previous recommendation had been considered by City officials that all of the area would be annexed into the city.

Lindon Evans (owner of the property) said that access had been a problem for many years. The development to the north was not the type they wanted for their property; thus the reason for annexation in to Farmington. Mr. Evans felt they had a good plan that would address all the issues. He felt it would not be reasonable to hold up the development until surrounding lands develop.

Jerod Jeppson (1475 West 1500 West) reported he was currently speaking with developers regarding the possibility of development on his property to the east of the land in question. Every indication is that they will annex to Farmington. He had no specific development plans at this time. However, it was a serious consideration to develop.

Mr. Martinez was in favor of creating a street master plan but because available properties were narrow pieces, there were not a lot of options. To hold up one property waiting to develop for a street master plan would negate their ability to make money until everyone was given access. He hoped the City would be sensitive to protocol. Other developers have not as yet even submitted applications for annexation. It would not be difficult to do a road design.

Mr. Jeppson said he did not recall being approached or contacted by the current developers to discuss global traffic designs. He would be very favorable towards meeting with the developer and working out a cooperative plan.

Public Hearing Closed

Seeing no further comments, **Chairman Ritz** closed the public hearing and asked the Commission for their consideration.

Cindy Roybal commented that the applicant had demonstrated a willingness to compromise and to provide a connecting thoroughfare to the frontage road to give access for City departments.

Bart Hill felt the plan looked workable, but it may be premature to approve the request before property owners get together and before the sewer district resolved their issues.

John Montgomery questioned whether or not there were other unresolved issues with zoning, etc. Could the development proceed other than the issues that had been discussed.

Mr. Petersen's response was in the affirmative.

Chairman Ritz stated the speed reduction techniques would be a good idea. He also clarified that the approval was not being held up due to surrounding developments. He also felt the sewer line issues related to the entire area, not just this subdivision. It would be important to resolve the problems for the entire area.

Motion

Bart Hill moved that the Planning Commission table the request in order to allow time for the applicant, adjacent property owners, Farmington City, and Central Davis Sewer District (CDSD) to meet together and develop a plan that represented the most advantageous development of adjoining areas and the entire neighborhood or district. **John Montgomery** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: DOUG DECARIA REQUEST FOR APPROVAL FOR A TWO LOT SUBDIVISION (LOT SPLIT) LOCATED AT 475 SOUTH 650 WEST IN AN AE ZONE (S-6-04) (Agenda Item #4)

Background Information

Apparently the applicant purchased 1 acre from a larger parcel now owned by Kenneth Steed and unknowingly did not receive subdivision approval from the City. This approval must be obtained before the applicant can receive a building permit from the City.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the background information for the Planning Commission.

Public Hearing

Chairman Ritz opened the meeting to a public hearing. He invited the applicant to address the Planning Commission.

Doug Decaria (resident of Roy, Utah) stated that through his inexperience with City procedures he had inadvertently purchased 1 acre of property which had not been legally subdivided. He did not think the owners of the rest of the property would have a problem with merging the other two lots to conform to legal requirements.

Ken Steed (owner of the rest of the property in question) stated he would have no problem with merging the remaining two lots back into one.

Public Hearing Closed

Seeing no further comments, **Chairman Ritz** closed the public hearing and asked the Commission for their consideration.

Motion

Jordan White moved that the Planning Commission approve the subdivision located at 475 South 650 West as requested subject to all applicable Farmington City standards and ordinances and the following conditions:

1. The respective property owners must enter into a public improvement extension agreement for the entire length of the street frontage from north to south of parcels identified by the Davis County Tax I.E. #E's 08-078-0050 and 08-078-0049. Said agreements shall set forth construction requirements regarding future public improvements including but not limited to curb, gutter, sidewalk, asphalt, and related underground utilities including storm sewer.
2. The property identified by the Tax I.D. #08-078-0048 is a "land locked" parcel which does not comply with Farmington City ordinances. This parcel and #08-078-0050 must be combined into one parcel.

Cindy Roybal seconded the motion, which passed by unanimous vote.

Findings

1. The motion will resolve lot configuration problems.
2. The owners of the property are willing to conform to ordinance restrictions regarding lot subdivision.
3. The action is consistent with the General Plan for the area.

AGENDA AMENDMENT

Keith Klundt moved that the Planning Commission consider Agenda Item #5 and Agenda Item #11 concurrently. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: EVELYN VAN FLEET REQUEST FOR APPROVAL FOR A TWO LOT SUBDIVISION (LOT SPLIT) LOCATED AT 318 OAK LANE IN AN R-2-F ZONE (S-7-04) (Agenda Item #5)

PUBLIC HEARING: EVELYN VAN FLEET REQUEST FOR A RECOMMENDATION TO REZONE .64 ACRES LOCATED AT 318 OAK LANE FROM R-2-F TO LR-F (Z-4-04) (Agenda Item #11)

Background Information

The applicant's property, approximately 27,9000 square feet in size and 180 feet in width, is large enough and wide enough to create two building lots. The minimum lot size in the R-2 zone is 10,000 square feet and the minimum lot width is 85 feet. An existing home on the property is located on the easterly half thereby making it possible to do a lot split. However, a prospective buyer, the Rumsey family, is requesting a narrower easterly lot (75 feet in width) to accommodate a wider proposed home on the westerly lot. Even though the proposed lot size of the easterly lot is equal to or greater than 10,000 square feet, the R-2 zone does not permit lot widths less than 85 feet.

Notwithstanding the forgoing, the 75 foot wide lot width may be allowed if the City considers the proposed lot split as a conservation subdivision. To accomplish this the property must be rezoned to LR and a restriction must be placed on the larger lot preventing the future subdivision thereof.

END OF PACKET MATERIAL.

The City Planner reviewed the agenda item. He stated that approval of the request would not impact the neighborhood significantly; there will still be two lots and two homes. However, the zoning will have to be changed. There will also have to be a plat amendment to accomplish the plan. Mr. Petersen proposed that the sidewalk not be required at this time to preserve mature trees along the property line. He suggested an extension agreement be required.

Public Hearing

Chairman Ritz opened the meeting to a public hearing. He invited the applicant to address the Planning Commission.

Reese Rumsey (applicant) stated he wanted to buy the lot on the west side of the property located at 318 Oak Lane. His intent was to develop in a manner consistent with the current homes in the area.

Public Hearing Closed

Seeing no further comments, **Chairman Ritz** closed the public hearing and asked the Commission for their consideration.

Ms. Roybal expressed her opinion that the City should not require the sidewalk because it would detract from the neighborhood by eliminating mature trees.

Motion

Jim Montgomery moved that the Planning Commission approve the subdivision located at 318 Oak Lane as requested subject to all applicable Farmington City standards and ordinances and the following conditions:

1. The property must be rezoned from R-2-F to LR-F.
2. A restriction, acceptable to the City, shall be placed on the larger lot preventing the future subdivision thereof.
3. The property owner must enter into a public improvement extension agreement with the City for the entire length of the property as it fronts Oak Lane from east to west. Said agreement shall set forth construction requirements regarding a future public sidewalk.
4. The City Council must review and approve a plat amendment and related ordinance and vacation order.
5. The plat amendment must be subject to any CC&R's now in place for the Oak Lane subdivision.

Keith Klundt seconded the motion, which passed by unanimous vote.

Motion

Bart Hill moved that the Planning Commission approve the application to rezone property located at 318 Oak Lane from R-2-F to LR-F as requested. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

Findings

1. The impact of an additional lot to the neighborhood will be the same whether or not the lot is wider or narrower, so long as only one single family home is permitted on the approved lot.
2. The R-2 district is a multiple-family zone where two-family dwellings are allowed as a permitted use. Meanwhile, two family dwellings in an OR zone are a conditional use. The Oak Lane area is a predominately single-family neighborhood. Therefore, from a single-family dwelling perspective, the LR zone contains some safeguards that the R-2 zone does not.

AGENDA AMENDMENT

Keith Klundt moved that the Planning Commission consider Agenda Item #6 and Agenda Item #12 concurrently. **John Montgomery** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: J.R. WARNER REQUEST FOR APPROVAL FOR A TWO LOT SUBDIVISION (LOT SPLIT) LOCATED AT APPROXIMATELY 1700 WEST BURKE LANE IN AN A ZONE (S-8-04) (Agenda Item #6)

PUBLIC HEARING: J.R.WARNER REQUEST FOR A RECOMMENDATION TO REZONE 3.7 ACRES LOCATED AT APPROXIMATELY 1700 WEST BURKE LANE FROM A TO AE (Z-5-04) REZONE (Agenda Item #12)

Background Information

The minimum lot size in the A zone under conventional standards is 2 acres, and the minimum lot size in the AE zone is 1 acre. Therefore, in order to approve the applicants request, the property must be rezoned to AE. This zoning designation exists across the street on an adjacent parcel.

The subject property was recently annexed. For some reason two non-contiguous parcels share the same County Tax I.D. #08-059-0032. They are separated by a third parcel (I.E. #08-059-0033). How were these parcels created?

END OF PACKET MATERIAL.

Mr. Petersen discussed the background information. The County somehow created an aberration regarding lot identification numbers. Mr. Petersen described the lot split. The property owners do not want to do a conservation subdivision.

Public Hearing

Chairman Ritz opened the meeting to a public hearing. He invited the applicant to address the Planning Commission.

J.R. Warner (resident of Kaysville) stated he had one acre under contract to purchase. He did not have current plans to use the other two acres. He stated he may possibly have family members develop on that land. He had plans to meet with neighbors to create CC&Rs for the area to preserve property value.

Darrell Clark (682 North 1875 West) stated he owned land next to the property in question. He explained how the tax I.D. numbers got confused. He wanted to know about the zone designations and what was required in those zones. He said the property is currently used for large animals and he wanted to keep it that way.

Public Hearing Closed

Seeing no further comments, **Chairman Ritz** closed the public hearing and asked the Commission for their consideration.

Jordan White stated the tax I.D. issue needed to be fixed.

Motion

Jordan White moved that the Planning Commission approve the subdivision located at approximately 1700 West Burke Lane as requested subject to all applicable Farmington City standards and ordinances and the following conditions:

1. The property must be rezoned from A to AE.
2. The property owner must enter into a public improvement extension agreement with the City for the entire length of the property (Davis County Tax I.D. #08-059-0032, the eastern parcel) as it fronts Burke Lane from east to west. Said agreement shall include but not be limited to construction and funding requirements regarding future public curb and gutter, asphalt and road base, sidewalk, and underground utilities, including storm drain.

Bart Hill seconded the motion, which passed by unanimous vote.

Motion

Keith Klundt moved that the Planning Commission approve the application to rezone property located at approximately 1700 West Burke Lane from A to AE as requested. **Cindy Roybal** seconded the motion, which passed by unanimous vote. **Jordan White** abstained due to his absence during the vote.

Findings

1. Tax I.D. numbers will be clarified and any problems will be resolved.
2. The request will be consistent with the character of the surrounding neighborhood.
3. The motion is consistent with the General Plan.

PUBLIC HEARING: FARMINGTON CITY REQUEST TO CONSIDER A RECOMMENDATION TO AMEND THE GENERAL PLAN BY REDESIGNATING SEVERAL ACRES IN SOUTHWEST FARMINGTON FROM “RRD” TO “AG,” AND TO FURTHER ADD TO , OR CHANGE, ANY RELATED TEXT (MP-1-04). (Agenda Item #8)

[Bart Hill was excused at 9:30 P.M.]

Mr. Petersen stated that many months ago there had been a proposal to amend the General Plan for the west Farmington area and re-designate portions of it from RRD to larger lot designation. Because of the work load experienced by the Planning Department, City Staff was unable to address the proposal at the time. Citizens in that neighborhood approached the City Planner and asked what it would take to get such a proposal into the City’s approval process. At that time citizens volunteered to redraft the text and to redraw the General Plan map. The packet contained their submitted suggestion. Mr. Petersen reviewed what had been suggested. He recommended taking public comment and then tabling the agenda item until the City’s consultant could complete current General Plan amendment work and take the west Farmington application to the next level.

Public Hearing

Chairman Ritz opened the meeting to a public hearing.

Glen Schimmelpfennig stated he had moved to the area because of open space and rural, beautiful country scene. Everyone in his neighborhood was concerned about space. They all want to preserve the area the way it is, and they want horses and large animals away from tighter residential areas.

David Hale (441 South 1100 West) wanted larger lots and more space. He said he was seeing more developers come in with smaller lots. Mr. Hale felt there needed to be some way of standardizing the area to protect it from on-coming development.

Ken Williams (344 South 1100 West) thanked the Planning Commission for taking time to consider the proposal being presented by west Farmington residents. He was grateful for efforts to preserve the area as a rural part of the City. It is what Farmington needs. West Farmington represents the last of such open, pastoral areas and there must be an effort to control the growth and development in it.

Char Farnsworth (287 South 1100 West) stated she had moved to the western part of Farmington to get away from the crowded areas. She had lived there for 18 years and it was now becoming too populated and trafficked. She asked the Commission to consider preserving the last rural area in the City.

Public Hearing Closed

With no further forthcoming comments, **Chairman Ritz** closed the public hearing. He commented that the western Farmington property owners seem to have a broad base of support. It would be well to have the Bear West consultants review the work done by the representatives of the neighborhood.

Motion

John Montgomery moved that Planing Commission table consideration of a recommendation to amend the General Plan by redesignating several acres in southwest Farmington from "RRD" to "AG," and to further add to, or change, any related text. Further, Mr. Montgomery moved that the Planning Commission recommend to the City Council that they authorize additional funding and direct Bear West consultants to review and further develop the submitted plan. **Jordan White** seconded the motion, which passed by unanimous vote.

AGENDA AMENDMENT AND MOTION TO EXTEND MEETING

Cindy Roybal moved that the Planning Commission consider Agenda Item #9 and Agenda Item #15 concurrently. **Keith Klundt** seconded the motion, which passed by unanimous vote.

Keith Klundt moved that the Planning Commission consider agenda items past the hour of 10:00 P.M. **John Montgomery** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: RK BUIE CO., KENT BUIE REQUEST FOR A RECOMMENDATION TO AMEND THE FARMINGTON CIYT GENERAL PLAN BY REDESIGNATING 6.8 ACRES LOCATED AT APPROXIMATELY 850 NORTH SHEPARD CREEK PARKWAY FROM “OFFICE/BUSINESS PARK” TO “GENERAL COMMERCIAL,” AND TO FURTHER CONSIDER REZONING THE PROPERTY FROM r-4 TO BP TO C FOR PURPOSES OF ESTABLISHING A MULTIPLE-FAMILY APARTMENT DEVELOPMENT (Z-2-04) (Agenda Item #9)

PUBLIC HEARING: R. KENT BUIE REQUEST FOR A RECOMMENDATION TO AMEND THE ZONING ORDINANCE BY ALLOWING APARTMENT DWELLING GROUPS AS A CONDITIONAL USE IN THE GENERAL COMMERCIAL ZONE—CHAPTER 16 (ZT-1-04) (Agenda Item #15)

Background Information

The Planning Commission tabled this item on February 26, 2004. One unresolved issue is regarding the Master Development Agreement for the area. This agreement does not allow housing in the area proposed by Kent Buie unless those party to the agreement consent to the proposal. Mr. Buie has not yet submitted letters (or documents) of consent.

The Planning Commission may choose not to act on the General Plan amendment portion of the request because in a previous agenda item it is proposed that the commission master plan the subject area “Commercial Mixed Use.”

The developer is proposing the rezone request and accompanying zone text amendment to entitle him to begin the application and development review process for a proposed multi-family development. It is projected that the City may adopt a new CMU zone later this Summer. If so, it is possible to rezone the property “C” subject to the developer agreeing to rezone the property to “CMU” later this year. However, it is difficult to contemplate such a legislative action for a zone text change. Once the text is changed, it may have ramifications on other General Commercial property. Furthermore, what will prevent a future City Council from not amending the commercial zone text back to its previous form after Mr. Buie’s property is zoned CMU.

On the other hand the City may lose an economic development opportunity if it chooses to wait on Mr. Buie’s multi-family proposal until the CMU is officially adopted.

END OF PACKET MATERIAL.

Mr. Petersen reviewed Agenda Item #9 and Agenda Item #15. He stated that perhaps the General Plan amendment request was no longer applicable because the Planning Commission had already taken action to make a recommendation to the City Council which would impact the General Plan for the area. The City Planner explained that a master agreement for the area in question existed which extended requirements until the year 2009. If the agreements governing the property in question were to be changed in order to allow residential development on the east side of the parkway, all entities of the agreement would have to agree to the change. It was originally thought that all HOAs of the area would need to consent. However, Mr. Buie has come forth with information indicating the consent responsibility had been left to a global association. The agreement was written in such a way that the global HOA does not need the consent of the other HOA's. The developer's attorney had drawn a residential consent form. Mr. Petersen stated that the City Attorney had looked into the matter, but has not yet had a chance to give an opinion. It seems the developer has acquired consent from the parties legally required to do so. The area is recommended for CMU on the General Plan but the City has not completed approval of that General Plan amendment. The developer is ahead of the City's plans. Mr. Petersen stated it may be a good idea not to wait for completed amendment actions, because economic development is very important to the City's tax base. The City has considered the need to jump start the commercial development in the area.

Public Hearing

Chairman Ritz opened the meeting to a public hearing and invited the applicant to address the Planning Commission.

Kent Buie (applicant) presented a detailed overview of the site plan. He reviewed the history of the development in the area and the market changes which impacted the success of the economic development for the overall project. His proposal was to construct high density living units to add to the roof top draw for retail. Mr. Buie felt there would be no other location in Farmington that the apartment units would work.

Merry Dean (resident at the Homes at Shepard Creek) said that if this were really a public hearing the public would have received notice. Ms. Dean said that the owners and associations interested in the proposal have not signed off on it. She questioned whether or not the consents obtained were legal. Shepard Creek Homes, LC., did not exist any more. Ms. Dean also expressed a concern regarding transportation and high density that would be created by the apartment units.

Public Hearing Closed

When questioned by members of the Planning Commission, **Mr. Buie** stated that on average there would be 1 ½ parking stalls per apartment unit. He said that the traffic patterns

would not impact the existing residents in a negative way because drive times would be different than retail patterns. Retail traffic is staggered throughout the day. It does not usually coincide with the residential traffic. Mr. Buie also stated that a traffic study had been completed and provided to staff. The study helped plan access to help decrease traffic impact for the existing residents.

John Montgomery had several questions regarding traffic and the legality of changing of the master agreements.

Jordan White stated he preferred to have a written opinion from the City Attorney. He was in favor of the general concept but felt a need for clarification.

Cindy Roybal stated she felt the consent forms may give legal permission for the apartment project but the situation falls short of the sense of the neighborhood compromise worked out in years past. She asked if commercial development will really materialize because of the apartment project. She felt that the neighbors should have been notified of the request to rezone. Ms. Roybal also felt a need for a written opinion by the City Attorney. The Planning Commission needed to be very careful and do this the right way. City officials had gone through so much to amend the General Plan it would be unwise to make quick decisions that would make other areas seem piece meal. She was also concerned about the density of the project. The area in question carried the burden for the entire city for apartments, small lots, and commercial development. The City had already made several compromises with Peter Cooke. Landscaping had never been completed, apartments have not been filled, the City will never see the promised wetland park, and the area will be an eye sore until the County can complete the project.

David Petersen stated that legal notice had been issued. He expressed concern with density because of the traffic increase and the access. He also stated a traffic study had been done for the area. He felt traffic would not be an issue for the site.

Motion

Keith Klundt moved that the Planning Commission recommend to the City Council that they amend the Zoning Ordinance by allowing apartment dwelling groups as a conditional use in the General Commercial Zone (Chapter 16) and to rezone 6.8 acres located at approximately 850 North Shepard Creek Parkway from R-4 and BP to C for purposes of establishing a multiple-family apartment development. **John Montgomery** seconded the motion.

In discussion of the motion, **Ms. Roybal** stated she felt strongly the action was premature. The City Attorney needed to be consulted. It may also be well to wait until the General Plan amendment affecting the area was finalized. She also wanted to have more public input. **Mr. Klundt** was sensitive to the issues raised by Ms. Roybal but felt it was not the end of

opportunities for the public to make comments. He felt the motion would send a message of general approval for the project. **Mr. White** asked if the motion was approved what bearing would the action have on density restrictions. The zone does not yet set density limits. **Mr. Petersen** suggested the motion include approval subject to the developer serving on a committee to draft the CMU zone language and that the developer agree with the City that the property will be zoned CMU. **Mr. Montgomery** also suggested an amendment to the motion that approval be subject to the resolution issues regarding the private agreement with an opinion by the City Attorney. Both Mr. Klundt and Mr. Montgomery agreed with the amendments to the motion as suggested. The vote indicated a tie vote: Ms. Roybal and Ms. White opposed the motion. **Chairman Ritz** voted to break the tie, and voted in opposition to give the benefit of the doubt to the hesitancy of some Commission members. The motion failed. Chairman Ritz requested further discussion by the Commission.

Mr. White said he had not problems with the project, however, he felt there were still too many unresolved issues. He would feel much more comfortable if the City Attorney could give a written opinion regarding the consent agreements.

Mr. Petersen stated that all property owners could be noticed, Mr. Buie could return in two weeks, and the City Attorney could, by that time, submit a written opinion. The City Attorney could also be invited to attend the meeting.

Motion

Mr. Montgomery moved that the Planning Commission table the agenda item for two weeks until issues regarding the Mater Development Agreement and property owners' consent can be resolved. He asked if legal notification had been met, to which Mr. Petersen stated they had. **Jordan White** seconded the motion. The motion passed by a 3 to 1 vote. Ms. Roybal opposed the motion.

Chairman Ritz recommended to the developer that he meet with the neighbors. (Mr. Buie interjected that he felt he had met with the neighbors.) Mr. Ritz continued that the neighbors would need to realize that if they were not interested in meeting with the developer, they would need to be prepared to have the project approved. It was the general consensus of most of the Planning Commission members that the project was acceptable.

PUBLIC HEARING: SYMPHONY DEVELOPMENT REQUEST FOR A RECOMMENDATION TO REZONE 16.39 ACRES LOCATED AT APPROXIMATELY 275 SOUTH 1100 WEST FROM A TO AE, AND A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR A SUBDIVISION RELATED THERETO (Z-3-04) (Agenda Item #10)

Background Information

This application for a zone change represents the fourth such application the City has received for the subject property in the last 12 months. All previous applications included Lot 4 of the Farmington Downs West Subdivision. This application does not. The following table provides a summary of Planning Commission actions regarding the three previous applications. All of these applications also requested schematic plan approval for subdivisions proposed for the property.

| Applicant/ Planning Commission Action/Date Application # | Reasons and/or Issues |
|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Irv Fisher Tabled June 26, 2003 Z-5-03 | City Council should first consider an amendment to the Farmington Downs West Subdivision thereby removing Lot 4 from said plat to incorporate it as part of the subdivision proposal. |
| Chestnut Investments L.C. Recommended Denial September 11, 2003 Z-6-03 | <ol style="list-style-type: none"> 1. The schematic plan for the property was not consistent with Farmington City standards. 2. Issues regarding the Farmington Downs Subdivision has not been resolved. 3. The Planning Commission felt it was important for developers to understand that development being submitted for this property were unacceptable to the City for multiple reasons. 4. The Planning Commission felt it would be inappropriate to consider a waiver of the Conservation Subdivision Ordinance. |
| Hamlet Development Tabled November 13, 2003 Z-7-03 | <ol style="list-style-type: none"> 1. The Plat amendment of the Farmington Downs Subdivision must occur first before both parcels can be developed, unless the northern parcel is developed separately. 2. If the Planning Commission chooses not to recommend that the area be rezoned and remain "A" (Agriculture), is such an action consistent with the goals and policies of the General Plan? 3. How will the traffic generated from the subdivision impact the capacity of 1100 West Street? |

Note: All three applicants on their own accord either withdrew their applications or chose not to pursue City Council approval.

General Plan Amendment Issue

After the Planning Commission reviewed the last application, local residents approached Farmington City to amend the General Plan to establish a policy to require larger lots in the area. They asked the City to be the applicant. Members of the City Council agreed and directed staff to prepare such an amendment. A few months ago it was discussed that in light of all the planning work now in process, that an amendment could not be prepared in the short-term unless residents agreed to step in and help. Hence, due to efforts by local citizens, one of the items on the current Planning Commission agenda is a request for a recommendation to amend the General Plan.

How should the Planning Commission act on the current application when a contradictory General Plan amendment is pending?

As a reminder to the Planning Commission, it is not necessary to review a schematic plan in order to provide a recommendation regarding a rezone application. However, it is extremely helpful to do so and applicants are encouraged to submit such a plan as part of the rezone process.

END OF PACKET MATERIAL.

Mr. Petersen introduced the agenda item. He stated this was a sensitive item which needed to have the opinion of the City's attorney. He recommended that the item be tabled after taking public input. Good findings must be established to justify any decision to recommend denial or approval of the application.

Public Hearing

Chairman Ritz opened the meeting to a public hearing. He invited the applicant to address the Planning Commission.

Tony Coombs (resident of Centerville) stated the property in question was butting up against two other developments that were zoned AE. He would like to have the same zone. Mr. Coombs stated that going from A to AE the lots would still be an average of 16,000 square feet. The development was planned for semi-custom homes, which would need a little larger lot. The planned conservation lot would be approximately 4 acres.

Char Farnsworth (287 South 1100 West) stated that the lots in the surrounding area were 2 acre lots and that is what the area is zoned for. She stated she and her neighbors had invested a lot of time and money in good faith that the area would remain as it is. The area has a quality of life that can't be found anywhere else. The area needs to be kept for horses, bikers, and running. Those activities have already been jeopardized because of the increase in traffic from

nearby developments. The issue is one of the home owners versus the developers who just want a profit.

Ken Williams (344 South 1100 West) asked a question regarding the requirements in the A versus the AE zone. He stated that the north end of the AE zone there were ½ acre up to 1 acres lots. Farmington Greens has a much higher density in the center of the project and then graduates out with larger lots to provide buffer to the existing home owners. Most of the outer lots are ½ acre in size. The proposed development would destroy the buffer for existing home owners. He felt the City should hang on to the integrity of what is left there.

Glen Schimmelpfennig (387 South 1100 West) wished he had written his proposal for west Farmington sooner. The neighbors in the area want to keep the open space, the riding space, and the country feel that exists there now. He asked that the current proposal for a General Plan Amendment be reviewed prior to consideration of the current agenda item.

David Hale stated that he agreed with what had been said. He encouraged the Planning Commission to wait for the General Plan Amendment proposal before consideration of the agenda item.

Bruce Robinson (Symphony Homes) said he had talked to the property owners and have found there was only a minimal concern. He felt there should possibly be a better notification of the action because citizens may not have known the action would affect their property.

Chairman Ritz stated that notification in the paper was what was required legally.

Glen Schimmelpfennig reported that property owners had not shown up to any of the meetings that had been held.

Public Hearing Closed

Seeing no further comments, **Chairman Ritz** closed the public hearing and asked the Commission for their consideration.

Motion

Jordan White moved that the Planning Commission table consideration of a recommendation to the City Council to rezone property located at approximately 275 South 1100 West from A to AE, and to further table a recommendation for schematic plan approval for a proposed subdivision related thereto. The motion to table was to allow time for the City staff to

review options with the City Attorney. **Keith Klundt** seconded the motion, which passed by unanimous vote.

AMENDMENT TO THE AGENDA

Keith Klundt moved that the Planning Commission consider Agenda Item #13 and Agenda Item #16 concurrently. **John Montgomery** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: S. DAVID PLUMMER REQUEST FOR A RECOMMENDATION TO THE CITY COUNCIL TO REZONE 282.437 ACRES LOCATED WEST OF THE FARMINGTON RANCHES SUBDIVISION FROM A TO AA (Z-6-04) (Agenda Item #13)

PUBLIC HEARING: RECOMMENDATION TO THE CITY COUNCIL TO AMEND CHAPTER 10 OF THE ZONING ORDINANCE TO ALLOW ACCESSORY LIVING QUARTERS AS A CONDITIONAL USE IN THE AA ZONE (Agenda Item #16)

Background Information

David Plummer received conditional use approval from the Planning Commission on April 10, 2003, to develop the Buffalo Ranch horse operation west of the Farmington Ranches Subdivision adjacent to the Great Salt Lake. Recently, Mr. Plummer submitted an application to the City requesting conditional use approval to construct an accessory building to house farm employees. The definition for “Accessory Living Quarters” is set forth in Section 11-2-020(2) of the zoning Ordinance as follows: “A dwelling unit within an accessory building to a non-residential use located on the same premises with the main building or within the main building to be used solely for persons employed on the premises, not rented or otherwise used as a separate building.” The request appears to be consistent with the conservation Easement recorded on the property, but is not allowed by the underlying zone.

Chapter 10 of the Zoning ordinance consists of three zoning classifications: AE, A, AA. It is proposed that the City amend Chapter 10 of the Zoning Ordinance to allow “Accessory Living Quarters” as a conditional use in the AA zone only.

It is further proposed that the City rezone the entire area encompassed by the Conservation Easement, 282.437b acres, from A to AA. The development agreement for the entire Farmington Ranches Project, including the Buffalo Ranch property, states: “Developer hereby agrees that, upon completion of the Project, all portions of the Property not included within public rights-of-way, single family lots, the church site, and the school site may be rezoned by the City to AA.” (Paragraph 2, Agreement #2000-32). This statement from the development

agreement should not preclude rezoning all or portions of this area prior to completion of the project.

END OF PACKET MATERIAL.

Mr. Petersen discussed the issues relating to the agenda item. Buffalo Ranch approached the City requesting permission to establish a bunk house which is essentially a four plex, for the purpose of housing ranch hands. Mr. Petersen stated that Buffalo Ranch was a quality, multi-million dollar facility. He also explained that a conservation easement encumbers the property. The easement allows housing for ranch hands, etc., as a conditional use. In researching the request with the City Attorney, it was apparent the underlying zone would be the governing ordinance which presently does not allow the bunk house facility. The recommendation of City staff was to rezone the property to AA and then amend and upgrade the General Plan text in the AA areas to allow for accessory living quarters. Development restrictions on AA property are very strict. It was unlikely that this action would set a precedence

Public Hearing

Chairman Ritz opened the meeting to a public hearing. He invited the applicant to address the Planning Commission. The applicant felt Mr. Petersen had covered the issues adequately.

Public Hearing Closed

Seeing no further comments **Chairman Ritz** closed the public hearing and asked the Commission for their consideration.

Cindy Roybal commented she had visited the site and the facility was very well done. She felt the bunk house building would be appropriate,.

Motion

Jordan White moved that the Planning Commission recommend that the City Council rezone property located west of the Farmington Ranches Subdivision from A to AA as requested. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

Cindy Roybal moved that the Planning Commission recommend that the City Council amend Chapter 10 of the Zoning Ordinance to allow accessory living quarters as a conditional use in the AA zone as proposed. **Jordan White** seconded the motion, which passed by unanimous vote.

Findings

The motion was consistent with the intent of the conservation easement. A great deal of time and effort had gone into the Master Plan for the area and the facility was a quality project.

**PUBLIC HEARING: DAVIS COUNTY SCHOOL DISTRICT REQUEST FOR
CONDITIONAL USE AND SITE PLAN APPROVAL TO ESTABLISH A BUS
COMPOUND LOCATED AT APPROXIMATELY 500 SOUTH GLOVERS LANE IN AN
AE ZONE (C-5-04) (Agenda Item #14)****Background Information**

The proposed bus compound will serve the entire south Davis County area. It is located adjacent to the site planned for the future high school in Farmington. In 1997, the School District proposed a bus compound located next to the City shop site on 100 North Street and 650 West. Residents on west State Street were very concerned about traffic, and even though the Planning Commission approved the project, the School District decided not to pursue it, partly because of the protest received.

Traffic may be an issue with the latest bus compound proposal, despite the reality that the proposed high school may generate far more traffic than the Bus compound. If approved, the School District would like to begin construction this summer. The compound will initially serve 65 to 75 busses, but is designed to serve 100 busses at full capacity. It is unclear whether or not the School district must comply with the City's truck (or haul) route ordinance. Restricted vehicles must stay on designated truck routes. However, pursuant to regulations set forth in the ordinance, applicants may receive approval to operate or move restricted vehicles away from designated truck routes on other city streets. A "Restricted Vehicle" means:

All vehicles, combination of vehicles or combination of vehicles and load having a length of more than forty-five (45) feet or a width of more than eight and one-half (8 ½) feet or a height of more than fourteen (14) feet and all vehicles registered for thirty-six thousand (36,000) pounds gross weight or more.

School busses typically only weigh approximately 23,000 to 25,000 pounds. Due to this lighter weight can the City require a haul route permit under the ordinance, or because the bus compound is a conditional use can the City require as a condition of approval that the District obtain a haul route permit despite the weight of the busses?

Other Issues

- The applicant did not submit building elevations for the repair bays and fueling station.

- A landscape plan is not yet available.
- If outdoor lighting is proposed, lighting plans shall be required which illustrate the type and location of lighting proposed for structures, walkways, and parking lots. Lighting shall be designed, located, and directed so as to eliminate glare and minimize reflection of light into neighboring properties.
- No screening is yet proposed for the site.
- The site plan must show the location of refuse containers.
- Sign plans are required if the applicant proposes to provide signs for the project.
- Comments must also be received for any regulatory agency governing the placement of fuel tanks, now, or prior to receiving a building permit.
- Comments have not yet been received from **The Public Works Department, Weber Basin, CDCSD, Weber Basin**, or the **Farmington City Fire Department**, but plans for storm water run-off, grading and drainage, and irrigation plans have also not be submitted to the City.

END OF PACKET MATERIAL.

Mr. Petersen summarized the background information. Staff recommended approval even though there were several unresolved issues regarding the application. He reviewed the truck haul route ordinance. It may be that the school buses may fall within the restrictions of the truck hall requirements.

Public Hearing

Chairman Ritz opened the meeting to a public hearing. He invited the applicant to address the Planning Commission.

Bryan Turner (Davis School District representative) stated that the District was in somewhat of a hurry to gain approval for the bus compound. They would like to have it operational by August of 2004. The Compound would be more cost effective than current conditions. The compound would provide a central area for the buses. He told the Planning Commission that he would prefer they did not table the issue but would rather it be approved subject to resolution of problems. He could not give an opinion regarding the truck haul route issue.

Bryan Larsen (also representing the Davis School District) said it was his opinion that the school buses were small enough not to need a truck route permit.

Mr. Turner commented that fencing and landscaping could be worked out to the City's satisfaction. He said there would not be a service bay or a fueling center on the compound at this point.

Don Francis (578 South 650 West) asked questions about the bus compound. He stated there was no infrastructure to support the compound and he raised a concern regarding storm drainage. He was also worried about the traffic problems that 100 buses would bring to the area. He asked that the Planning Commission consider having the buses take routes from the compound that would cause the least impact on the City, and especially west Farmington. He asked if the District had considered putting the compound in west Centerville or in Syracuse. Those sites near industrial areas would be much better.

Mr. Petersen stated that the Planning Commission could consider requiring the buses to follow certain routes. Doing so would be a reasonable condition.

Public Hearing Closed

Seeing no further comments, **Chairman Ritz** closed the public hearing and asked the Commission for their consideration.

Mr. Petersen reported notification had gone to property owners within 300 feet of the proposed compound.

When questioned by the Commission, **Mr. Larsen** stated the compound would serve the southern portion of the Davis School District. At maximum only 100 busses would be housed at the compound. Current plans call for 50 to 60 busses to be there. It was planned that the compound would be a permanent facility. The District would provide fences and landscaping acceptable to the City.

Commission members discussed the possibility of leakage from the busses and the problems that may cause.

Motion

Keith Klundt moved that the Planning Commission table the application for conditional use and site plan approval to establish a bus compound located at approximately 500 South Glovers Lane in an AE zone to allow time for the applicant to submit architectural plans, landscaping plans, lighting plans, site plans meeting City screening requirements, grading and

drainage plans, traffic and circulation plans, and water and sewer plans and to allow the City to determine whether or not a truck haul route permit is necessary, to assure a broad range of notification to property owners regarding the request, and to allow time for the District to submit drainage plans for any potentially hazardous material. **John Montgomery** seconded the motion, which passed by unanimous vote.

CITY COUNCIL REPORT AND MISCELLANEOUS

Mr. Petersen reported Farmington Ranches had requested permission to use an approved building lot to stub a street into an adjoining subdivision development. He stated the City staff recommended the action because it would provide good circulation for the area. After a brief discussion, the Planning Commission, by consensus, approved the change.

Mr. Petersen briefly reviewed correspondence included in the packet regarding support for the proposed mortuary in northern Farmington and the open house regarding the commuter rail system. There was also a proposal regarding a movie theater in Farmington.

Mr. Petersen reported that the City Council had tabled consideration of the boundary line adjustment between Fruit Heights and Farmington. They wanted to have assurances that both cities were in agreement with all the facts.

Mr. White reported that he would soon be moving from Farmington and would therefore need to be relinquish his position on the Planning Commission.

ADJOURNMENT

Keith Klundt moved to adjourn at 12:00 midnight.

Cory Ritz, Chairman
Farmington City Planning Commission